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APPLICATION NO	).	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/693,481		10/20/2000	Joel E. Short	42253/	42253/ 8652	
826	7590	05/23/2006		EXAMINER		
ALSTON		<u>-</u>	WANG, LIANG CHE A			
BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000				ART UNIT	PAPER NUMBER	
				2155		
				DATE MAILED: 05/23/2006	4	

Please find below and/or attached an Office communication concerning this application or proceeding.

## Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)		
09/693,481	SHORT ET AL.		
Examiner	Art Unit		
Liang-che Alex Wang	2155		

	Liang-che Alex Wang	2155	
The MAILING DATE of this communication appe	ars on the cover sheet with the c	orrespondence add	ress
THE REPLY FILED 02 May 2006 FAILS TO PLACE THIS APP	LICATION IN CONDITION FOR AL	LOWANCE.	
<ol> <li>The reply was filed after a final rejection, but prior to or on this application, applicant must timely file one of the follow places the application in condition for allowance; (2) a No a Request for Continued Examination (RCE) in compliance time periods:</li> <li>The period for reply expires 3 months from the mailing date of this A no event, however, will the statutory period for reply expire I</li> </ol>	wing replies: (1) an amendment, aff stice of Appeal (with appeal fee) in one ce with 37 CFR 1.114. The reply must state of the final rejection. Advisory Action, or (2) the date set forth	idavit, or other evider compliance with 37 C ust be filed within one in the final rejection, wh	ice, which FR 41.31; or (3) of the following ichever is later. In
Examiner Note: If box 1 is checked, check either box (a) or TWO MONTHS OF THE FINAL REJECTION. See MPEP 7	(b). ONLY CHECK BOX (b) WHEN THE 06.07(f).	FIRST REPLY WAS F	ILED WITHIN
Extensions of time may be obtained under 37 CFR 1.136(a). The date have been filed is the date for purposes of determining the period of ex under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the set forth in (b) above, if checked. Any reply received by the Office later may reduce any earned patent term adjustment. See 37 CFR 1.704(b) NOTICE OF APPEAL	tension and the corresponding amount shortened statutory period for reply orig r than three months after the mailing da	of the fee. The appropr inally set in the final Offi	iate extension fee ce action; or (2) as
<ol> <li>The Notice of Appeal was filed on A brief in comp filing the Notice of Appeal (37 CFR 41.37(a)), or any exte a Notice of Appeal has been filed, any reply must be filed</li> </ol>	nsion thereof (37 CFR 41.37(e)), to	avoid dismissal of th	ns of the date of e appeal. Since
AMENDMENTS 3.    The proposed amendment(s) filed after a final rejection,	but prior to the date of filing a brief	will not be entered b	ecance
(a) They raise new issues that would require further co	nsideration and/or search (see NO ow);	TE below);	
(c) ☐ They are not deemed to place the application in be appeal; and/or			the issues for
(d) They present additional claims without canceling a		ected claims.	
NOTE: <u>See Continuation Sheet</u> . (See 37 CFR 1.1 4.   The amendments are not in compliance with 37 CFR 1.1		mnliant Amendment	(PTOL-324)
5. Applicant's reply has overcome the following rejection(s)		impliant / intendition	(1 102 024).
6. Newly proposed or amended claim(s) would be a non-allowable claim(s).		timely filed amendme	ent canceling the
<ul> <li>7.  For purposes of appeal, the proposed amendment(s): a) how the new or amended claims would be rejected is pro The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: Claim(s) rejected: 1,3 and 6-13. Claim(s) withdrawn from consideration:</li> </ul>		II be entered and an e	explanation of
AFFIDAVIT OR OTHER EVIDENCE			
<ol> <li>The affidavit or other evidence filed after a final action, be because applicant failed to provide a showing of good an was not earlier presented. See 37 CFR 1.116(e).</li> </ol>			
9. The affidavit or other evidence filed after the date of filing entered because the affidavit or other evidence failed to showing a good and sufficient reasons why it is necessar	overcome all rejections under appe	al and/or appellant fa	ils to provide a
10. The affidavit or other evidence is entered. An explanation REQUEST FOR RECONSIDERATION/OTHER	n of the status of the claims after e	ntry is below or attacl	ned.
11.  The request for reconsideration has been considered by See Continuation Sheet.	, , , , ,		nce because:
<ul><li>12.  Note the attached Information Disclosure Statement(s).</li><li>13.  Other:</li></ul>	S	No(s).	
	SUPERVISORY	PATENT EXAMINE	R

## **Continuation Sheet (PTO-303)**

**Application No. 09/693,481** 

Continuation of 3. NOTE: New claims 28-35 require futher search and consideration.

Continuation of 11. does NOT place the application in condition for allowance because: Applicant argued "improper Final Rejection". this is not persuasive because the scope is changed from "may be adjustable" to "is adjustable BY THE SUBSCRIBER". Therefore new ground of rejection is necessitated by Applicants' amendment. Rejection is maintained.

-Ph